IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
WRIT PETITION NO : 8748 of 1994

Between:
The Depot Manager, APSRTC.,
Bus Depot, Korutla.

..... PETITIONER

AND

1. Sri E.Omkaram,
   Post & Village Pathipaka,
   Via Mandi Madaram,
   District Karimnagar.

2. Industrial Tribunal-cum-Labour Court,
   Warangal, represented by its
   Presiding Officer.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order especially in the nature of a writ of certiorari calling for the records relating to the Award in I.D.No.54 of 1986, dated 15-04-1987 and published on 01-06-1987 on the file of Industrial Tribunal-cum-Labour Court, Warangal and quash the same as being illegal, unjust and arbitrary.

For the Petitioner: MR.K.HARINATH, SC for APSRTC.

Counsel for the Respondent No.1: Sri V.V.P.Rao.

Counsel for the Respondent No.2: G.P. for Labour.

The Court made the following :

ORDER:

The writ petition is filed challenging the Award passed by the Industrial Tribunal-cum-Labour Court, Warangal in I.D.No.54 of 1986.

2. The 1st respondent herein was working as Conductor and he was removed from service. Challenging the removal order, the 1st respondent herein raised industrial dispute, which was registered as I.D.No.54 of 1986. Before the Tribunal, the Management did not file the domestic enquiry report and therefore, initially *ex parte* Award was passed on 26-08-1986. Thereafter, on an application filed by the Management, the said *ex parte* Award was set aside but even after the set aside order, the Management did not file the domestic enquiry report and it failed to justify the order of removal passed against the workmen. Therefore, the Award was passed directing the Management to reinstate the 1st respondent with full back wages and continuity of service and the said Award came to be challenged in this writ petition.

3. The learned counsel appearing for the Management submits that the entire domestic enquiry file in respect of the 1st respondent herein was misplaced and became rather than not possible for the Management to file those proceedings. However, a counter was filed opposing the claim of the workmen and therefore, the Tribunal ought to have gone into the merits of the case rather than allowing the Industrial Dispute on the ground that the domestic enquiry proceedings were not filed. I am afraid that I cannot accept this contention. When the counter has been filed basing on the enquiry proceedings, there is no reason why the Management could not produce the domestic enquiry file. Moreover it is for the Management to justify the action in removing the

1st respondent herein from service. Inasmuch as no steps were taken by the Management to adduce evidence at least on the basis of the records available, I do not find any error apparent on the face of the record in the award passed by the Tribunal. I do not find any merits in this case.

4. In the result, the writ petition is dismissed. No costs.

G.BIKSHAPATHY, J

Dated: 16-09-2004
Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Industrial Tribunal-cum-Labour Court,
   Warangal, represented by its
   Presiding Officer.
2. Two C.Cs. to the G.P. for Labour, High Court Buildings,
   Hyderabad (OUT).
3. Two C.Ds.